CIV. 1 (2-64) (Formerly D. C. Form No. 45 Rev. (6-49))

United States District Court

FOR THE

DISTRICT OF MASSACHUSETTS

CIVIL ACTION FILE No. 76-1784-T

SUMMONS

DANIEL SCHECHTER

Plaintiff

GEORGE BUSH, Director of the Central Intelligence Agency

Defendant

To the above named Defendant 5:

You are hereby summoned and required to serve upon

John Reinstein

plaintiff's attorney , whose address

c/o Massachusetts Civil Liberties Union Foundation 68 Devonshire Street Boston, Massachusetts 02109

an answer to the complaint which is herewith served upon you, within the days after service of this summons upon you, exclusive of the day of service. If you fail to do so,, judgment by default will be GEORGE F. McGRATH taken against you for the relief demanded in the complaint.

[Seal of Court]

NOTE:-This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

A TRUE COP

Approved For Release 2003/06/24 : CIA-RDP79M00467A00030012b0f0

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

DANIEL SCHECHTER,

Plaintiff

V.

CENTRAL INTELLIGENCE AGENCY and GEORGE BUSH, Director of the Central Intelligence Agency,

Defendants

NO. 76-1784-T

COMPLAINT

- 1. This is an action under the Freedom of Information Act, 5 U.S.C. §552 to compel the Central Intelligence Agency and its Director to disclose to plaintiff the contents of all files and documents relating to him which are in the possession of the Central Intelligence Agency and/or its Director.
- 2. Jurisdiction is conferred on this court by 5 U.S.C. §552(a)(4) and by 28 U.S.C. 1361.
- 3. Plaintiff Daniel Schechter is a citizen of the United States and resides in Somerville, Massachusetts.

Plaintiff is currently news director at radio station WBCN in Boston, Massachusetts and was formerly an editor of <u>Ramparts</u> magazine. In his capacity as a journalist, the plaintiff has a longstanding interest in the activities of the Central Intelligence Agency and has published articles and has made newscasts concerning the agency's activities.

- 4. The defendant Central Intelligence Agency (C.I.A.) is an agency of the Executive branch in which the requested documents are located. Defendant George Bush is Director of the C.I.A. He is sued in his official capacity as custodian of the documents requested by the plaintiff.
- 5. By mailgram dated March 6, 1975, addressed to William P. Colby, then Director of the C.I.A., plaintiff requested access to any C.I.A. files pertaining to him.

 (A copy of this mailgram attached as Appendix A)
- 6. By letter dated July 9, 1975, the C.I.A., through its Freedom of Information Coordinator, Robert S. Young, acknowledged that it had in its possession 148 documents pertaining to plaintiff. Of these, segregated portions of 16 documents were released to plaintiff, while 132 documents were withheld in their entirety. (A copy of this letter attached as Appendix

B)
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- 7. By letters dated August 6, 1975 and September 2, 1975, plaintiff appealed defendant's refusal to disclose the complete contents of C.I.A. files pertaining to him to the agency's Information Review Committee. (Copies of letters attached as Appendices C-1 and C-2)
- 8. By letter dated December 30, 1975, defendant, through William E. Nelson, Acting Chairman of the C.I.A. Information Review Committee, released to plaintiff one additional document in its entirety and segregated portions of 73 other documents. Defendant asserted the right to continue to withhold in their entirety 79 other documents which pertain to plaintiff. (A copy of this letter attached as Appendix D)
- 9. The defendants have asserted that the documents or portions of documents withheld from the plaintiff are exempted from disclosure by 5 U.S.C. §552(b)(1), (b)(3), (b)(6) and (b)(7)(F). The relied upon statutory exemptions do not apply to the requested documents. Under 5 U.S.C. §552(a)(3), the plaintiff is entitled to the documents which he has requested, and there is no legal basis for the defendants' refusal to grant him access.

WHEREFORE, plaintiff prays that this Court:

- (A) Order the defendants to disclose to plaintiff all documents, records, files and information in their possession relating to plaintiff;
- (B) Order the defendants to pay the costs of this action and plaintiff's attorney's fees; and
- (C) Grant such further relief as the Court deems just and proper.

DANIEL SCHECHTER, by his attorneys

John Reinstein c/o Massachusetts Civil Liberties Union Foundation 68 Devonshire Street Boston, Massachusetts 02109 742-8040

James Hamilton
Hamilton & Lamson
One Court Street
Boston, Massachusetts 02109
523-3716

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THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

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ZIP
WILLIAM PIANOWIRE COLBY DIRECTOR
CENTRAL INTELLIGENCE AGENCY
LANGLEY VA 23365
READ YOUR OFFER TO MAKE AVAILABLE CIA FILES ON AMERICAN CITIZENS TO AMERICAN CITIZENS TO AMERICAN CITIZENS. DID I MAKE THE GRADE? REQUEST TO SEE ANY FILES YOU MAY HAVE ON ME UNDER FREEDOM OF INFORMATION ACT

DANNY SCHECHTER
NEWS DISSECTOR WBCN
5005 PRUDENTIAL TOWER
BOSTON MASSACHUSETTS 02199

08:23 EST

MGMBSNT HSA

APPENDIX A

CENTRAL INTELLIGENCE AGENCY WASHINGTON, D.C. 20505

9 JUL 1975

Mr. Daniel Schechter 5005 Prudential Tower Boston, Massachusetts

02199

Dear Mr. Schechter:

We have made a thorough search of our records and have found documents pertaining to you. They have been reviewed with the following determinations:

- Enumerated below are segregated portions of twelve Agency cables which are enclosed. Portions have been deleted in accordance with subsection 102(d)(3) of the National Security Act of 1947, as amended, which makes the Director of Central Intelligence responsible for protecting intelligence sources and methods from unauthorized disclosure; and in accordance with section 6 of the CIA Act of 1949, as amended, which exempts from disclosure the organization, functions, names, and official titles of personnel employed by the Agency. section (b)(3) of the Freedom of Information Act (FOIA) applies to documents specifically exempted from disclosure by statute.
 - Cable to Headquarters dated 29 February 1968.
 - Cable from Headquarters dated 25 March 1968.
 - Cable from Headquarters dated 27 March 1968.
 - Cable from Headquarters dated 2 April 1968.



- Cable from Headquarters dated 4 April 1968.
- Cable from Headquarters dated 6 April 1968.
- g. Cable from Headquarters dated 10 April 1968.
- Cable from Headquarters dated 10 April 1968.
- Cable from Headquarters dated 18 September 1969.
- Cable from Headquarters dated 10 October 1969.
- Cable from Headquarters dated k. 18 February 1970.
- Cable from Headquarters dated 7 January 1972.
- Enclosed also are segregated portions of three dispatches. Portions have been deleted under the provisions of subsection (b)(3) to protect intelligence sources and methods.
 - a. Dispatch from Headquarters dated 1 December 1969.
 - b. Dispatch from Headquarters dated 28 December 1969.
 - Dispatch from Headquarters dated 23 November 1970.
- Enclosed is the segregated portion of name check #397, 8 March 1968, with portions deleted under the provisions of subsection (b)(3) of the FOIA based on section 6 of the CIA Act of 1949.
- Two Headquarters cables, dated 2 April 1968, are exempt from release under subsection (b)(3) of the FOIA (intelligence sources and methods).

- 5. One cable to Headquarters, dated 14 August 1968, and one cable from Headquarters, dated 16 August 1968, are exempt from declassification and release under section 5(B)(1) of Executive Order 11652 since the information in them was received from our liaison relationship with a foreign government. FOIA subsection (b)(1) applies.
- There are 22 memoranda sent by this Agency to another U.S. Government agency containing information relative to your anti-war and other activities abroad. Eleven of these memoranda contain information received from sensitive Agency sources and ten contain information provided by a foreign source which must be protected in accord with subsection (b)(1) of the FOIA which applies to information which is properly classified pursuant to Executive Order 11652. section (b)(3) of the FOIA also applies. The remaining memorandum in this group contains a combination of information provided by another U.S. Government agency, a sensitive Agency source and the liaison service of a reforeign government. For reasons explained previously in this paragraph, subsections (b)(1) and (b)(3) of the FOIA apply.
 - 7. Twenty-two internal Agency memoranda containing information relative to your activities abroad are denied under subsection (b)(1) and (b)(3) of the FOIA.
- Eighty-two other Agency documents were located which contain information relative to your activities abroad. Fifty-three were obtained from sensitive Agency sources which must be protected under subsection (b)(1) and (b)(3) of the FOIA. Twenty-two of the documents contain information obtained from foreign liaison relationships which are also protected by subsection (b)(1) of the FOIA. Three of the documents contain information provided by other U.S. Government agencies and are protected from release by subsections (b)(1) and (b)(3) of the The remaining four documents contain information received from both sensitive Agency sources and from our liaison relationship with a foreign government and are also exempt in accord with exemptions (b)(1) and (b)(3).

The following documents are not releasable under the FOIA exemptions cited to the right of each:

Document	FOIA Exemptions		
1. Memorandum for Chief, dated 8 March 1968.	(b)(3), (b)(6), (b)(7)		
2. Memorandum for the Record, dated 14 March 1968.	(b)(3), (b)(6)		

The application of subsection (b)(3) of the FOIA is explained above. Subsection (b)(6) applies because the documents contain the names of other individuals and to release them would constitute a clearly unwarranted invasion of their personal privacy. Subsection (b)(7) is applied to protect the identity of confidential sources and to protect investigative techniques and procedures.

The decisions pertaining to the documents contained in paragraphs 1 through 8 were made by Mr. Charles A. Briggs. Chief, Services Staff, while the decisions concerning paragraph 9 were made by Mr. Charles W. Kane, Director of Security. As specified in the Freedom of Information Act, I am informing you of your right to appeal these decisions. within 30 days, by addressing your appeal to the CIA Information Review Committee, via the undersigned.

Sincerely,

for Robert S. Young

Freedom of Information Coordinator

Enclosures

Hiroshima Day August 6, 1975

CIA INFORM

CIA Information Review Committee c/o Robert Young Freedom of Information Coordinator Central Intelligence Agency Washington D.C. 20505

Gentlemen:

I would like to exercise my right to appeal the determinations on disclosure of my CIA file as outlined in your letter of July 9, 1975.

The Agency's decision to disclose a mere 19 censored and blotched reproductions out of 145 documents that have been located was (DELETED) and (Deleted). I also found the legal rationales questionable, contrary to the spirit of the Freedom of Information Act, and of dubious moral (Deleted).

I would like to accompany my appeal to the Information Review Committee with some detailed arguments, but since it is summer. I am afraid my attorney is away for a (DELETED) time. Would you be so kind as to give me a 30 day extension as provided in the act so that I can prepare a more detailed submission.

I am planning to seek the declassification of several documents, and company show that there was a pattern of illegal surveilance and monitoring of quite legitimate journalistic and protest activities, here and abroad. I will also be challenging the Agency's right to act as an extension of the FBI. MOREOVER, I have reason to believe that your response was incomplete.

One last thing: (DELETED)

Daniel Schechter Name Check: #397

News Dissector . .

Sincerel

Massachusetts Civil Liberties Union Foundation Approve 105 Reference 2017/26/24 Bistory Massachusetts 12/10-5

John W. Roberts, Executive Director John Reinstein, Staff Attorney

(617) 426-3340

September 2, 1975

CIA Information Review Committee c/o Mr. Robert S. Young Freedom of Information Coordinator Central Intelligence Agency Washington, D.C. 20505

Dear Mr. Young:

On March 6, 1975 Mr. Daniel Schechter wade a formal request for his personal file from the CIA. At least sixty-eight documents were found in an Agency search for information about him. On July 9, 1975 Mr. Schechter was denied access to all save sixteen sanitized documents. On August 6, 1975 Mr. Schechter exercised his right of appeal to this Committee as to each item to which he was denied access. In support of this appeal, I submit the following:

The information provided to Mr. Schechter is incomplete in several respects. The segregated portions sent to him themselves reveal that a large amount of material pertinent to him is being wrongfully witheld. The following items clearly imply that the CLA has a wealth of detailed information about Mr. Schechter's alleged "involvement" in "activities" of interest to the Agency:

March 27, 1968 (Item 1.B.): this item states that Mr. Schechter "has been involved protest groups in U.S. and London".

September 18, 1969 (Item 1): this item states that Mr. Schechter "has been involved with radical anti-Vietnam war and racial protest groups in U.S. and London".

October 10. 1969 (Item 3): this item states that Mr. Schechter "has been involved anti-Vietnam war groups in U.S. and London".

February 18, 1970 (Item 2): this item states that Mr. Schechter "has been involved anti-war groups and left-wing student groups in U.S., England, Belgium, France, Finland".

The details which the Agency clearly possesses about my client's activities do not appear in the segregated portions.

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February 18, 1970 (Item 2): this item states that Mr. Schechter is a "member of ARG and studying African Affairs at Cambridge University". In fact, as a member of the Africa Research Group, Mr. Schechter published an article in Ramparts magazine in 1970 regarding CIA activities in Africa. It is difficult to believe that the Agency does not possess at least this article. This difficulty is compounded by the Cable of January 7, 1972 (Item 1.B.), which states that Mr. Schechter "has travelled extensively and has written articles on [deleted] activities while associated with Ramparts (67-68) and African Research Group (69)". The clear inference is that the CIA possesses the articles to which reference is made.

The information provided in the segregated portions is also incomplete as to my client's travel abroad. In 1968-1969 he visited Paris several times. In 1969 he visited Canada and Algeria. In 1969 and 1972 he visited Cuba, both times as a journalist with State Department permission. In 1972 he made a trip to London. In 1974 he visited Cambodia, South Vietnam and North Vietnam. In North Vietnam, he was interviewed on Radio Hanoi. It is highly unlikely that the Agency has no information on these travels, yet there is no reference to them in the segregated portions.

In sum, it is evident that the CIA possesses a wealth of information about Mr. Schechter that not only has not been disclosed, but to which no allusion is made. The "thorough search" referred to on page 1 of your letter of July 9, 1975 has apparently not been made. If the Agency claims an exemption as to one or more of these items, it must meet a heavy burden to show why the material is not being disclosed. As to the repeated invocation of subsection (b)(1) of the Freedom of Information Act in your denial letter of July 9, 1975, I am skeptical that the information witheld could ever have been "properly classified" and that it remains so following the recent publication of the Report to the President by the Commission on CIA Activities within the United States.

I anticipate that you will made the requested information from his personal file available to Mr. Schechter. Otherwise, we will initiate a lawsuit to compel its disclosure.

Yours sincerely,

John Reinstein Staff Attorney

CENTRAL INTELLIGENCE AGENCY Approved Foreign School Property From Approved Foreign School Property From Property Propert

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John Reinstein, Esq.
Massachusetts Civil Liberties
Union Foundation
100 Franklin Street
Boston, Massachusetts 02110

Dear Mr. Reinstein:

Reference is made to your appeal under the Freedom of Information Act, as amended, on behalf of your client, Mr. Daniel Schechter.

Pursuant to the authority delegated to me and to Mr. John F. Blake, Deputy Director for Administration, by the Information Review Committee in accordance with section 1900.51(a) of Chapter XIX, Title 32 of the Code of Federal Regulations, as amended, we have reviewed Mr. Schechter's request in light of the appeal.

This Agency has one document, namely, Name Check #374, 1968, which may be released in its entirety and is enclosed herewith.

Mr. Schechter's file also contains the following documents which may be released in segregated form, the deleted portions being exempt under the Freedom of Information Act exemptions as noted.

- 1. Dispatch dated May 7, 1968--(b)(1), (b)(3) and (b)(6).
- 2. Dispatch dated October 20, 1969--(b)(1), (b)(3) and (b)(6).
- 3. Dispatch dated December 9, 1969--(b)(1) and (b)(3).
- 4. Dispatch dated December 6, 1971--(b)(1), (b)(3) and (b)(6).
- 5. Cable dated March 12, 1968e-(b)(1), (b)(3) and (b)(6).
- 6. Cable dated March 25, 1968--(b)(1), (b)(3) and (b)(6).
- 7. Cable dated March 27, 1968--(b)(1), (b)(3) and (b)(6).
- 8. Cable dated March 27, 1968 (second)--(b)(1), (b)(3) and (b)(6).
- 9. Cable dated April 2, 1968--(b)(1), (b)(3) and (b)(6).



- 10. Cable dated April 4, 1968--(b)(1), (b)(3) and (b)(6).
- 11. Cable dated April 8, 1968--(b)(1), (b)(3) and (b)(6).
- 12. Cable dated April 8, 1968 (second) -- (b)(1), (b)(3) and (b)(6).
- 13. Cable dated April 22, 1968--(b)(1), (b)(3) and (b)(6).
- 14. Cable dated April 22, 1968 (second)--(b)(1), (b)(3) and (b)(6).
- 15. Cable dated April 24, 1968--(b)(1), (b)(3) and (b)(6).
- 16. Cable dated May 28, 1968--(b)(1), (b)(3) and (b)(6).
- 17. Cable dated June 12, 1968--(b)(1), (b)(3) and (b)(6).
- 18. Cable dated June 13, 1968--(b)(1) and (b)(3).
- 19. Cable dated September 26, 1968--(b)(1) and (b)(3).
- 20. Cable dated October 7, 1968--(b)(1), (b)(3) and (b)(6).
- 21. Cable dated January 10, 1969--(b)(1), (b)(3) and (b)(6).
- 22. Cable dated March 24, 1969--(b)(1), (b)(3) and (b)(6).
- 23. Cable dated March 25, 1969--(b)(1), (b)(3) and (b)(6).
- 24. Cable dated March 31, 1969--(b)(1), (b)(3) and (b)(6).
- 25. Cable dated September 15, 1969--(b)(1), (b)(3) and (b)(6).
- 26. Cable dated September 24, 1969--(b)(1) and (b)(3).
- 27. Cable dated September 27; 1969--(b)(1) and (b)(3).
- 28. Cable dated April 28, 1970--(b)(1), (b)(3) and (b)(5).
- 29. Cable dated January 4, 1972--(b)(1), (b)(3) and (b)(6).
- 30. Memorandum undated--(b)(1), (b)(3) and (b)(6).
- 31. Memorandum dated February 1, 1968--(b)(3), (b)(6) and (b)(7)(F).
- 32. Memorandum dated March 14, 1968--(b)(3) and (b)(6).
- 33. Memorandum dated March 20, 1968--(b)(3) and (b)(6).

- 34. Memorandum dated March 27. 1968--(b)(3), (b)(6) and (b)(7)(F).
- 35. Memorandum undated--(b)(3), (b)(6) and (b)(7)(F).
- 36. Memorandum dated 25 June 1968--(b)(3).
- 37. Memorandum dated October 1, 1968--(b)(1), (b)(3) and (b)(7)(F).
- 38. Memorandum dated October 3, 1968--(b)(1), (b)(3) and (b)(6).
- 39. Memorandum dated October 21, 1968--(b)(1), (b)(3) and (b)(6).
- 40. Memorandum dated October 21, 1968 (second) -- (b) (1), (b) (3) and (b) (
- 41. Memorandum dated October 30, 1968--(b)(1), (b)(3) and (b)(6).
- 42. Memorandum dated November 6, 1968--(b)(1), (b)(3) and (b)(6).
- 43. Document Transfer and Cross Reference form dated November 15, 1968-(b)(1) and (b)(3).
- 44. Memorandum dated December 19, 1968--(b)(3) and (b)(6).
- 45. Memorandum dated January 23, 1969--(b)(1), (b)(3) and (b)(6).
- 46. Memorandum dated January 6, 1969--(b)(1), (b)(3) and (b)(6).
- 47. Memorandum dated January 28, 1969--(b)(1), (b)(3) and (b)(7)(F).
- 48. Memorandum dated February 4, 1969--(b)(3).
- 49. Memorandum dated March 24, 1969--(b)(3) and (b)(6).
- 50. Memorandum dated March 26, 1969--(b)(3) and (b)(6).
- 51. Memorandum dated August 1969--(b)(3).
- 52. Memorandum dated March 25, 1970--(b)(3).
- 53. Memorandum dated November 10, 1970--(b)(3).
- 54. Memorandum dated March 1, 1971--(b)(3).
- 55. Memorandum dated May 18, 1972--(b)(3) and (b)(6).
- 56. Cable dated February 29, 1968--(b)(1), (b)(3) and (b)(6).

Approved F Release 2003/06/24: CIA-RDP79M00 A000300120010-5 57. Cable dated March 25, 1968--(b)(1), (b)(3) and (b)(6).

- 58. Cable dated March 27, 1968--(b)(1), (b)(3) and (b)(6).
- 59. Cable dated April 2, 1968--(b)(1), (b)(3) and (b)(6).
- 60. Cable dated April 4, 1968--(b)(1), (b)(3) and (b)(6).
- 61. Cable dated April 6, 1968--(b)(1), (b)(3) and (b)(6).
 - 62. Cable dated April 10, 1968--(b)(1), (b)(3) and (b)(6).
 - 63. Cable dated April 10, 1968 (second) -- (b)(1), (b)(3) and (b)(6).
 - 64. Cable dated September 18, 1969--(b)(1) and (b)(3).
- 65. Cable dated October 10, 1969--(b)(1), (b)(3) and (b)(6).
- 66. Cable dated February 18, 1970--(b)(1), (b)(3) and (b)(6).
- 67. Cable dated January 7, 1972--(b)(1), (b)(3) and (b)(6).
- 68. Dispatch dated December 1, 1969--(b)(1) and (b)(3).
- 69. Dispatch dated December 28, 1969--(b)(1), (b)(3) and (b)(6).
- 70. Dispatch dated November 23, 1970--(b)(1), (b)(3) and (b)(6).
- 71. Name Check #397 dated March 8, 1968--(b)(1) and (b)(3).
- 72. Memorandum dated March 8, 1968--(b)(1), (b)(3) and (b)(6).
- 73. Memorandum dated March 14, 1968--(b)(3) and (b)(6).

In addition, Mr. Schechter's file also contains the following documents which are denied in their entirety, being exempt from disclosure under the Freedom of Information Act exemptions as noted:

- 15 Dispatches--(b)(1), (b)(3) and (b)(6).
- 3 Dispatches--(b)(1) and (b)(3).
- 23 Cables--(b)(1), (b)(3) and (b)(6).
- 13 Cables--(b)(1) and (b)(3).
- 17 Memoranda--(b)(1), (b)(3) and (b)(6).

- 4 Memoranda--(b)(1) and (b)(3).
- 3 Memoranda -- (b) (3) and (b) (6).
- 1 Information Report--(b)(1), (b)(3) and (b)(6).

Exemption (b)(1) has been asserted as to all documents and portions thereof which have been determined to be currently properly classified pursuant to Executive Order 11652. Exemption (b)(3) has been asserted as to all documents or portions thereof which contain information pertaining to intelligence sources and methods which the Director of Central Intelligence has the responsibility to protect from unauthorized disclosure pursuant to 50 USCA 403(d)(3) and 50 USCA 403g.

Exemption (b)(6) of the Act has been asserted in the case of all documents or portions thereof in which information therein concerns other individuals in a context in which the disclosure thereof would constitute a clearly unwarranted invasion of such individuals' privacy.

Exemption (b)(7)(F) of the Act has been asserted in the case of all document wherein the name of an employee of the Federal Bureau of Investigation has been deleted. The public dissemination of the names of law enforcement personnel would endanger their life or physical safety.

The determination with respect to all documents except Nos. 72 and 73 has been made by me. Mr. Blake has made the determination with respect to Nos. 72 and 73.

In the 8th paragraph of page 3 of our letter dated July 9, 1975, the number of documents indicated should have been 81 instead of 82. Further, five addition documents were discovered in the course of our efforts to locate the article refers to in the first paragraph. 2nd page, of your letter of September 2, 1975. These documents are Nos. 45, 52 and 53, as well as two memoranda being denied in their entirety.

In accordance with paragraph (4)(B) of subsection (a) of the Freedom of Information Act, you have the right to request judicial review of this denial in a United States district court.

Enclosed are copies of eight clippings which were contained in Mr. Schechte file.

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Our files also contain Federal Bureau of Investigation reports as well as documents of the National Security Agency. Your request with respect thereto is being referred to those agencies for direct response to you.

Sincerely,

William E. Nelson

Acting Chairman

Information Review Committee

Enclosures

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